CIVIL Writ Petition no. 556 (M/B) of 2003

Punit Tripathi ---------- Petitioner

Versus

Bundelkhan University and others---------- Respondents

Hon'ble M.M.Ghildiyal J.

Heard Sri V.B.Sc.Negi learned counsel for the petitioner, Sri P.M.N.Negi learned counsel for the respondent no.1 and 2 and learned Standing Counsel for the respondent no.3.

By means of this writ petition the petitioners has prayed for a writ of mandamus directing the respondents to grant admission to the petitioner in pursuance to the examination of C.P.M.T-2002.

The contention of the petitioner is that he had appeared in the aforesaid examination. The counseling for admission in M.B.B.S. course in pursuance to the aforesaid test was held some time in October 2002. According to the counter affidavit filed by the Director General, Medical Education and Training, U.P. the petitioner was allotted a seat at R.B. Medical College, Gorakhpur. The petitioner did not join at Gorakhpur, Medical College. In the second round of conselling on 17.12.2002 he also did not participate. However, since there were some irregularities writ petition no. 816/2002 was filed by Km. Shiksha Agrawal and this court directed the respondents to take counseling afresh. The respondents published notice in "Dainik Jagaran" and "Amar Ujjala" on 23.05.2003 for fresh recounselling as per order of the High Court fixing 29.5.2003. Now the petitioner has come with the case that no individual information was sent to him regarding recounselling to be held on 29.5.2003. The learned counsel for the petitioner could not show under regulation or brochure it was mandatory for the respondents to send individual information about recounselling. It is not disputed by either of the parties that the date of recounselling was published in the "Dainik Jagaran" and "Amar Ujjalla" which have wide publication. On the contrary the petitioner has submitted that unfortunately the said publication was escaped from the eyes of the petitioner. Thus now he has prayed that he may be given admission. On 17.7.2003 this court directed the Director General, Medical Education to

decide the representation of the petitioner. On 30./7.2003 since inspite of order of this court passed by this court time was given to file counter affidavit but no counter affidavit was filed. The Director General, Medical Education, U.P. and Director General, Medical Education, Uttaranchal were directed to appear before this court on 8.8.2003 and in case the counter affidavit is filed on or before 8.8.2003 the officers were not required to remain present. In the mean time the respondents have filed counter affidavit and they have submitted that notice for recounselling was published on 23.5.2003 in widely circulated newspapers, “Dainik Jagaran” and “Amar Ujjalla” and pursuant to that publication all the persons have appeared for recounselling except the petitioner on 29.05.2003. The petitioner has not denied this fact. However, the petitioner has submitted that the respondents may decide the representation submitted by him on 21.7.2003. The respondents are directed to decide the representation of the petitioner dated 21.7.2003 within one month from the date of production of certified copy of this order.

With these directions the writ petition is disposed of finally.

(M.M.Ghildiyal J.)

September 15, 2003.
MPS